

FOR THE STATE OF ARIZONA

IN THE MATTER OF:

Donald H. Nelson, D.O.

Holder of License No. 2846

Holder of License No. 2846

AMENDED
STIPULATION
AND CONSENT
ORDER

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") and Donald H. Nelson, D.O. ("Respondent") agree to the following disposition of this matter.

1. Respondent acknowledges that he has read this Stipulation and the attached Consent Order; and, he is aware of and understands the content of this document.

2. Respondent understands that by entering into this Stipulation he voluntarily relinquishes any rights to a hearing or judicial review on the matters alleged in the Stipulated Findings of Fact and Conclusions of Law or to challenge the Board's Order.

3. Respondent acknowledges his understanding that this Stipulation and Consent Order will not become effective until approved by the Board and signed by its Executive Director.

4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public record which may be disseminated as a formal disciplinary action of the Board.

5. Any admissions made by Respondent are solely for the stipulated disposition of this matter and are not intended as an admission against his interest or an admission of liability in any

1 civil litigation.

2 6. Respondent is aware that any violation of said Consent
3 Order constitutes unprofessional conduct pursuant to A.R.S. § 32-
4 1854(26) and may result in disciplinary action pursuant to A.R.S.
5 § 32-1855.

6 7. Respondent and the Board acknowledge that this Amended
7 Stipulation and Consent Order supersede the Stipulation and Consent
8 Order agreed to, and accepted by Respondent and the Board and dated
9 September 21, 1993. That Stipulation and Consent Order will,
10 however, remain a part of the public record of the Board.

11 ACCEPTED this 22nd day of October, 1993.

12 Board of Osteopathic Examiners

13 Donald H. Nelson D.O.
14 Donald H. Nelson, D.O.

15 Robert J. Miller
16 Robert J. Miller, Ph.D.
17 Executive Director

18 FINDINGS OF FACT

19 1. The Board of Osteopathic Examiners of the State of Arizona
20 ("Board") is the duly constituted authority for the regulation and
21 control of the practice of osteopathic medicine in the State of
22 Arizona.

23 2. Donald H. Nelson, D.O., is the holder of License
24 No. 2846 for the practice of medicine in the State of Arizona.

25 3. Donald H. Nelson, D.O., was the holder of License No.
26 R2D46, issued by the Missouri Board of Registration in the Healing
27 Arts.

28 4. On June 17, 1993, Donald H. Nelson, D.O. entered into an
Agreement with the Missouri Board of Registration in the Healing

1 Arts, wherein said Agreement he admitted to violations of Missouri
2 state statutes such that cause existed for disciplinary action to
3 be taken against his license as a physician and surgeon pursuant to
4 Missouri statutes governing the practice of medicine.

5 5. The agreement between Donald H. Nelson, D.O., and the
6 Missouri Board of Registration in the Healing Arts included a
7 specific admission by Respondent on October 19, 1989 he entered a
8 plea of guilty to driving while having a blood alcohol content in
9 excess of .10.

10 6. The agreement, between Donald H. Nelson, D.O., and the
11 Missouri Board of Registration in the Healing Arts included a
12 specific admission by Respondent that on July 21, 1989 he entered
13 a plea of guilty to driving while intoxicated on said date.

14 7. As part of that agreement, Donald H. Nelson, D.O. agreed
15 to voluntarily surrender License No. R2D46 for the practice of
16 medicine and surgery retroactive to September 10, 1990 as a means
17 of resolving the issues and charges set forth above.

18 8. On June 30, 1993, Donald H. Nelson, D.O., submitted an
19 application for licensure to practice osteopathic medicine in the
20 state of Arizona to the Arizona Board of Osteopathic Examiners in
21 Medicine and Surgery.

22 9. As part of his licensure application materials, Donald H.
23 Nelson, D.O. disclosed to the Arizona Board of Osteopathic
24 Examiners in Medicine and Surgery that his License No. R2D46 for
25 the practice of medicine and surgery issued by the Missouri Board
26 of Registration in the Healing Arts, was voluntarily surrendered in
27 lieu of disciplinary action being taken against said license.

1 10. On September 27, 1993, DONALD H. NELSON, D.O., did, in
2 accordance with the Stipulation and Consent Order dated September
3 21, 1993, and signed by DONALD H. NELSON, D.O., undergo a
4 psychiatric evaluation conducted by Richard Rosengard, D.O., a
5 psychiatrist licensed by the State of Arizona and approved, by the
6 Board, to conduct said evaluation.

7 11. On September 27, 1993, the results of the psychiatric
8 evaluation of DONALD H. NELSON, D.O., were conveyed to the Board,
9 along with recommendations for continuing treatment as made by
10 Richard Rosengard, D.O., as specified in the Stipulation and
11 Consent Order between DONALD H. NELSON, D.O. and the Board dated
12 September 21, 1993.

13 CONCLUSIONS OF LAW

14 1. The Arizona Board of Osteopathic Examiners in Medicine and
15 Surgery possesses jurisdiction over the subject matter hereof and
16 over Donald H. Nelson, D.O., pursuant to A.R.S. § 32-1801, et seq.

17 2. The conduct described in paragraphs 5 and 6 above
18 constitutes unprofessional conduct in accordance with A.R.S. § 32-
19 1854.38: Violating a federal law, a state law or a rule applicable
20 to the practice of medicine.

21 3. The Board has authority to enter into an agreement for the
22 stipulated disposition of this matter pursuant to A.R.S. § 41-
23 1061(D).

24 ORDER

25 Pursuant to the authority vested in the Board by A.R.S. § 32-
26 1855.E.4 and § 41-1061.D, IT IS HEREBY ORDERED THAT:

27 1. DONALD H. NELSON, D.O. (Respondent) shall be placed on
28

1 probation for a period of three (3) years. Respondent may submit
2 a request for reduction in the term of probation; however, the
3 Board shall have the sole authority and discretion to modify the
4 duration of the period of probation.

5 2. DONALD H. NELSON, D.O., shall submit to random urinalysis
6 testing administered by the Board or an agent of the Board.
7 Samples of biological fluids of DONALD H. NELSON, D.O. will be
8 collected by an agent of the Board at times which are within the
9 sole discretion of the Board. All costs associated with the
10 collection and analysis of such fluids shall be borne by DONALD H.
11 NELSON, D.O.

12 3. DONALD H. NELSON, D.O. shall use no controlled substance
13 or prescription-only medication unless prescribed by his attending
14 physician. DONALD H. NELSON, D.O. shall refrain completely from
15 the use of alcohol. DONALD H. NELSON, D.O. shall notify the Board
16 in writing of any substance or medication prescribed him by a
17 physician within twenty-four hours after such prescription is
18 ordered by the attending physician.

19 4. DONALD H. NELSON, D.O. shall meet regularly with the Board
20 as ordered by the Board in its discretion to review his compliance
21 with the terms of the Order.

22 5. DONALD H. NELSON, D.O. shall authorize any attending
23 physician, psychiatrist, psychologist, or counselor to release to
24 the Board all records pertaining to his care and treatment.

25 6. DONALD H. NELSON, D.O., shall attend a private counseling
26 session no less than two times per month with a counselor certified
27 by the state of Arizona and approved by the Board for a period of
28

1 12 months from the effective date of this order, and DONALD H.
2 NELSON, D.O., shall authorize that counselor to provide regular
3 reports to the Board detailing his attendance and progress in said
4 sessions.

5 7. DONALD H. NELSON, D.O., shall, within 15 days of the
6 effective date of this order, notify the Board of the name(s) of
7 the counselor who will be providing the treatment services
8 identified in paragraph 6 of this order.

9 8. DONALD H. NELSON, D.O., shall bear any and all costs
10 associated with his compliance of the terms of this order.

11 9. Failure to comply with all terms of this order constitutes
12 unprofessional conduct pursuant to A.R.S. § 32-1854.26.

13 DATED this 21st day of October, 1993.

14 ARIZONA STATE BOARD OF OSTEOPATHIC
15 EXAMINERS IN MEDICINE AND SURGERY

16 By Paul M. Steingard D.O.
17 Paul M. Steingard, D.O.
Vice-President

18 [S E A L]

19 By Robert J. Miller
20 Robert J. Miller, Ph.D.
Executive Director